

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JEFFREY CULBREATH,

Plaintiff,

- against -

THOMAS GRIFFIN, et al.,

Defendants.

**17 CV 3406 (KMK) (LMS)
ORDER**

THE HONORABLE LISA MARGARET SMITH, U.S.M.J.¹

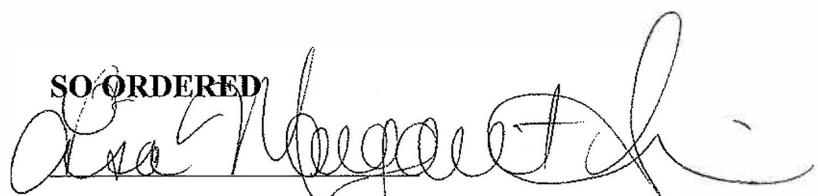
On March 1, 2018, the undersigned issued a Decision & Order denying in part Plaintiff's motion to compel production of certain documents, and denying his motion seeking an order deeming various requests for admission admitted (the "Discovery Decision"). ECF No. 35. The undersigned is now in receipt of Plaintiff's letter, filed on March 16, 2018, which asks the Court to "rescind those portions of its [Discovery Decision] sustaining the defendants['] objections and [to] allow the Plaintiff to demonstrate relevance thereto respectively." ECF No. 40. In light of the liberal reading which is afforded to the filings of *pro se* litigants, *Tracy v. Freshwater*, 623 F. 3d 90, 101 (2d Cir. 2010), the undersigned deems Plaintiff's letter as a notice of motion for reconsideration pursuant to Local Civil Rule 6.3.²

¹ On November 1, 2017, the Honorable Kenneth M. Karas referred this matter to the undersigned for general pre-trial supervision, including the resolution of non-dispositive motions. ECF No. 19.

² Local Civil Rule 6.3 requires that a motion for reconsideration or reargument be filed 14 days after entry of the Court's determination of the original motion. Local Civ. R. 6.3. Here, the Discovery Decision was issued on March 1, 2018; and, although Plaintiff's letter was not electronically filed until March 16, it was dated on March 12 and post-dated March 14, 2018; given Plaintiff's status as a *pro se*, incarcerated litigant without ready access to ECF, the notice of motion is timely.

More briefing from the parties is required, however, before the undersigned can adequately address the merits of Plaintiff's motion. Pursuant to Local Rule 6.3, the movant must accompany a motion for reconsideration with a memorandum "setting forth concisely the matters or controlling decisions which counsel [or a pro se litigant] believes the Court has overlooked." Local Civ. R. 6.3. In this case, Plaintiff has failed to provide any such memorandum, and his letter does not set forth any arguments, describing the bases for reconsideration of the Discovery Decision. Plaintiff is therefore directed to submit a memorandum of law in support of his motion for reconsideration by April 20, 2018; Defendants' response is due by May 4, 2018; and Plaintiff's reply, if any, must be submitted by May 18, 2018. All memoranda of law shall be limited to 5 pages.

Dated: March 27, 2018
White Plains, New York

SO ORDERED


Lisa Margaret Smith
United States Magistrate Judge
Southern District of New York

Copy mailed by Chambers